

MEMORANDUM

TO: Ravalli County Planning Department

FROM: Garrett James Budds, Land Use Clinic, University of Montana
School of Law

DATE: May 16, 2007

RE: Highway 93 Corridor Plan – Commercial Design Standards

OVERVIEW

The Corridor serves as the primary focal point for the residents and visitors of Ravalli County. As such, the appearance of commercial areas will undoubtedly effect other developments both within the Corridor and without. Therefore, assuring aesthetically appealing commercial areas within the Corridor would promote a consistent architectural style countywide that is compatible with the Bitterroot Valley's history and heritage. To assist in this effort, adopting a Commercial Design Standard (CDS) would promote livable communities while preserving the rural character and traditional appearance of the Corridor and the Bitterroot Valley.

Maintaining the visual appeal and livable atmosphere of the Bitterroot Valley while allowing ample opportunity for sustainable economic growth is the foundation of any effort to preserve the County's rural character, offer desirable communities, and protect property values. Adopting a CDS within the Corridor would further prevent the use of inconsistent commercial designs. In doing so, the CDS would help preserve and enhance the value of properties adjacent to Highway 93 and retain the inherent rural character of the Bitterroot Valley, ultimately protecting this unique and historic western locale.

DISCUSSION

General.

Preserving the heritage of the Bitterroot Valley will depend in large part on maintaining a continuity of traditional architecture, while promoting new development that is consistent with natural features and history of the region. Established architectural characteristics should be integrated with newer developments that utilize uniquely regional architectural features to create seamless commercial districts. Moreover, these visually appealing commercial districts would ensure higher property values, enriching the economy of the County. Adopting the CDS would provide a flexible set of standards that encourage more aesthetically appealing and consistent architecture throughout the Corridor. To accomplish the above goals, the CDS should focus on architectural standards including design, form, color and materials.

Design and Form.

The design and style of commercial structures within the Corridor casts an immediate impression on the visitors and residents of Ravalli County. The CDS would encourage commercial developers to design building profiles that mimic the profiles of the natural landscape as well as reflect indigenous architectural patterns in contemporary construction as a way to connect with the region's cultural history, drawing on historic building styles and elements found in the community. Having building designs generally follow the architectural character of the Bitterroot Valley, the CDS will promote the rural character of the region while providing for commercial structures to be built that retain higher economic value.

The CDS would also encourage connectivity of commercial development and its appropriate orientation to public open spaces, setbacks and sightlines. Erecting commercial structures immediately adjacent, or in close proximity, to one another would create a compact fabric of connected buildings. Buildings arranged in such a manner would help preserve open space viewable from the traveled portion of the Corridor. The CDS would provide for appropriately scaled, quasi-public space between public streets, commercial buildings and residential structures. Such public space could include outdoor seating on sidewalks, courtyards, and within the quasi-public realm between street and private structures. In addition, the CDS should limit the size, height, lighting and orientation of signs in commercial and civic districts to emphasize a rural community feel.

In a further effort to maintain sightlines, aesthetic appeal and community feel, the CDS would limit the majority of buildings to three stories high or less, discouraging the construction of large monolithic structures. Under the CDS, the overall structure should be comprised of a complex of smaller structures or parts, achieving a more assimilated position within the commercial district. Height restrictions and required articulation would also produce the desired effect of quality within the smallest possible space.

Colors and Materials.

The appropriate use of architectural materials also plays an important role in developing consistent commercial districts. The primary areas of focus within the CDS would be color and type of material. The CDS would require the use of natural materials in a manner that reflects an organic integrity and harmony with the natural surroundings. Using natural materials such as stone and wood as the primary construction materials promotes visual appeal while maintaining the historic, rural character of the region.

How materials are integrated into the structure, along with color schemes play an integral role in enhancing the aesthetic appeal of commercial structures. The CDS would instruct developers to avoid the use of a multiplicity of building materials, colors, and architectural styles. Doing so would serve to produce a commonality of architectural style. The CDS would encourage the use of natural, earth-tone colors as a first choice, however, not exclusively. With an appropriate building profile, brighter colors, may serve as a beautiful counterpoint to the natural landscape. The CDS would also limit light reflectivity of roof and building materials. Reflective materials and bright colors that contrast dramatically with the colors of the land and vegetation around them shall not be used as dominant colors on any wall or roof surface.

Additional Concepts.

While this memorandum will not address these concepts, we thought it remiss not to mention the following for consideration. “Commercial design standards” do not seem the appropriate place to introduce several concepts which we believe would in fact benefit the overall synchronicity of commercial development. The following may perhaps be best addressed in the countywide zoning ordinance’s commercial district specifications or standards.

The areas deemed “commercial zones” within the countywide zoning ordinance could provide that buildings be clustered together to preserve natural and landscaped open areas within the Corridor. Buildings arranged in such a manner would create well-defined open space viewable from the traveled portion of the Corridor. The concentrating of community facilities around public squares at the intersection of community pathways or roadways provides for more “walkable” shopping and business districts.

This concept could be furthered by an overall Hwy 93 access plan drafted in conjunction with MDOT. Providing for commercial and mixed-use clusters oriented around centralized access points along Highway 93 would achieve many of the goals mentioned in all of the memoranda we have submitted. Certain incentives could be contemplated for inclusion that would allow for increased size and quantity of commercial structures (taller, larger buildings) in exchange for limiting access off Highway 93, and orienting these structures off of secondary roads.

Authority.

In Montana, land use regulations, including zoning, must take county growth policies into consideration. “Zoning regulations must be made in accordance with the growth policy or a master plan.”¹ Ravalli County will find that both the authority and the necessity to implement a CDS exist in the *Ravalli County Growth Policy* (Growth Policy).² In addition to the Growth Policy, Ravalli County residents have voiced their desire for increased protections for property values, rural character, and the natural landscape of the Bitterroot Valley. Residents responded, and their opinions were documented, in the *Executive Summary of the Ravalli County Public Meetings on Land Use in the Highway 93 South Corridor* (Executive Summary).³ The documents taken together provide ample support for implementing a CDS for the Corridor.

Ravalli County Growth Policy.

Specific Countywide Goals and Policies within the Growth Policy that support the adoption of a CDS, from those addressing the protection and enhancement of natural resources and open space to planning for residential and commercial development. The Growth Policy further bolsters the applicability of a CDS by specifically allowing the use of

¹ Mont. Code Ann. § 76-2-203(1)(a) (2005).

² Ravalli County Growth Policy (2004).

³ Land Use Clinic, University of Montana School of Law, *Executive Summary, Ravalli County Public Meetings on Land Use in the Highway 93 South Corridor*, May 2006.

development standards to ensure development design occurs consistently with stated goals and policies.⁴

The first applicable goal is the Growth Policy's Countywide Goal 4 – "Provide Necessary Infrastructure and Public Services to Accommodate Population Growth and New Development without Undue Impacts on the Quality, Quantity and Cost of Service to Existing Residents."⁵ Adopting a CDS would help achieve this goal by encouraging well-planned commercial development that takes efficiency, sustainability and orientation to existing development into account. Doing so will minimize expenses to both current and future residents of Ravalli County while enhancing property values through aesthetically appealing neighborhoods and developments.

Countywide Goal 5 and its Policies further support establishing a CDS. The Goal directs the county to "Protect and Enhance Natural Resources and Open Space."⁶ The CDS would help to preserve open spaces by encouraging compact, walkable commercial districts and therefore discouraging sprawling or randomly constructed businesses. This in turn would preserve larger, intact and continuous sections of open space throughout the Corridor.

A RSLs also finds favor with Countywide Goal 6 – Promote and Encourage a Vibrant, Sustainable, Healthy Economic Environment that Recognizes Existing Businesses and Attracts New Entrepreneurs.⁷ Ravalli County offers a unique environment in which to both work and live. Shifting the focus of commercial development from quantity to quality only serves to better enhance a healthy economic environment for existing and future residents. The CDS would greatly enhance the quality of the commercial districts located within the Corridor. Healthy, vibrant commercial districts would attract more residents and visitors to take advantage of visually appealing shopping and social opportunities. In addition, attractive, high quality properties with strong rural character would increase property values for the businesses themselves, as well as other residential and commercial structures throughout the Corridor.

Lastly, we look at Countywide Goal 7 – Plan for Residential and Commercial Development.⁸ The CDS is a valuable tool directing commercial development. Rather than hastily constructing commercial districts, the CDS would encourage sustainable, attractive, and economically successful business communities within the Corridor.

The CDS finds strong support in the Ravalli County Growth Policy, which not only bolsters the CDS's validity but strengthens it against possible legal challenges.

Land Use Clinic – Executive Summary.

In addition to the support for a CDS found in the Growth Policy, citizens of Ravalli County have called for implementation of Corridor protections and development guidelines. During the spring of 2006, the Land Use Clinic of the University of Montana School of Law, in conjunction with the Ravalli County Planning Department, hosted three public meetings in order to gather public input regarding issues posed by current and future uses of land in the Corridor. From a combination of questionnaires, comment forms, and public discussion, the Land Use Clinic staff synthesized the public's responses, concerns and

⁴ *Id.*

⁵ Ravalli County Growth Policy (MT) § 3.4 (2004).

⁶ Ravalli County Growth Policy (MT) § 3.5 (2004).

⁷ Ravalli County Growth Policy (MT) § 3.6 (2004).

⁸ Ravalli County Growth Policy (MT) § 3.7 (2004).

desires for land use planning in the Corridor. The results of that synthesis were published in an Executive Summary.

Issues of extreme importance to citizens included scenery, rural lifestyle and community appearance.⁹ Beyond the questionnaire, respondents specifically identified other social and environmental values of importance, including: sustaining natural habitat, native vegetation, the integrity of the natural landscape, small town and rural environment, noise pollution, and maintaining the regional/local character of the valley.¹⁰ All of the above concerns and desires could be addressed through a CDS. Promoting compact, sustainable commercial areas would help preserve open space, take into account rural character and the natural landscape. Aesthetically appealing businesses constructed using traditional architectural styles and natural materials would promote the small town rural environment and help to maintain the local character of the valley.

Respondents also voiced growth related concerns beginning with the very pattern and projection of growth. Of further concern was protecting existing neighborhoods and communities from the impacts of rampant unplanned growth.¹¹ The CDS would encourage a more sustainable, integrated approach to commercial development. By taking the natural character and landscape of the Corridor into consideration, as well as cultural importance of traditional building styles, both the aesthetic quality and economic value of new commercial development will increase substantially.

Lastly, meeting attendees voiced support for other particularized planning efforts. In the commercial context, respondents supported a landscape buffer along the highway between the right-of-way and businesses.¹² The CDS would promote buffering commercial businesses and the highway proper. This buffer would provide a natural partition which would help maintain natural feel and rural character of Ravalli County, providing more aesthetically appealing commercial districts.

SAMPLE STATUTORY LANGUAGE

ARCHITECTURAL DESIGN REQUIREMENTS

1.1 Building Placement/Orientation

1.1.1 Buildings located on sites adjacent to Highway 93 South may be oriented with the primary/front façade toward the highway.

1.1.2 Buildings located on sites not adjacent to Highway 93 South shall be oriented with the primary/front façade and entrance toward the public right-of-way.

1.1.3 Any façade that faces any public right-of-way shall have architectural detail and appearance similar to the primary façade.

1.2 Building Facades

⁹ Executive Summary *supra* nt.3, at 2 (2006).

¹⁰ *Id.*, at 3 (2006).

¹¹ *Id.*, at 4 (2006).

¹² *Id.* at 5.

1.2.1 Facades shall not exceed twenty (20) horizontal feet, and ten (10) vertical without changing a minimum of three (3) of the following elements:

- (a) A change in plane, such as an offset, reveal or projecting rib. Such plane projections or recesses shall have a depth of no less than six inches. Examples include columns, planters, arches and voids.
- (b) Architectural details such as raised bands or cornices
- (c) Awnings
- (d) Changes in compatible colors
- (e) Changes in compatible materials
- (f) Changes in texture consistent with style
- (g) Doors
- (h) Windows, storefront window or display cases

1.2.2 Facades that extend for more than one hundred (100) feet in length shall incorporate, in addition to at least three (3) of the above requirements, vertical and horizontal articulations of not less than five (5) feet in offset from the general façade plane and twenty-five (25) feet in length. Each articulated section shall incorporate distinct massing elements with the overarching goal that each individual articulation resembles a smaller building of pedestrian scale as opposed to a monolithic structure.

1.2.3 The ground floor of the primary façade shall have at least two (2) of the following elements for at least sixty (60) percent of the width of the façade:

- (a) Public entrances
- (b) Windows, display windows
- (c) Awnings associated with windows or doors
- (d) Landscaping adjacent to the building

1.2.4 Drive-through windows are prohibited adjacent to the primary public right-of-way.

1.3 Building Entrances

1.3.1 Each primary façade shall have one or more clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

- (a) Canopies or porticos
- (b) Overhangs
- (c) Variations in building height
- (d) Recesses (minimum three (3) feet in depth)
- (d) Raised cornice parapets over the door
- (e) Peaked roof forms
- (f) Arches
- (g) Columns
- (h) Outdoor patios
- (i) Display windows
- (g) Architectural details such as tile work and moldings which are integrated into the building structure and design.

(h) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting

(g) Other treatment meeting the intent of this section

If multiple tenants are located in an open large-scale retail center, each individual establishment shall have at least one (1) exterior customer entrance, which shall conform to the above requirements.

1.3.2 Rear entrances that have right-of-way visibility shall be embellished similar to the primary façade.

1.4 Fenestration

1.4.1 Glass shall be transparent, without color, except for appropriate stained or art glass. The use of darkly tinted or reflective glass is prohibited. Reflective glass is defined as glass having a visible light reflectance rating of fifteen (15) percent or greater and darkly tinted glass is defined as glass with a visible light transmittance rating of thirty-five (35) or less. All plans submitted for approval shall include the glass manufacturer's visible light reflectance and visible light transmittance ratings for evaluation.

1.4.2 Windows shall be recessed a minimum of one-half inch, and shall include visually prominent sills, shutters, stucco relief, or other such forms of framing. Windows shall be vertically proportioned to a pedestrian scale. Ground floor retail, service and restaurant use shall have display windows, framed by the surrounding wall, and shall not exceed seventy-five (75) percent of the total ground level façade area.

1.4.3 Walls that are predominantly mirrored glass or glass curtain walls or walls that have openings filled with glass block are prohibited.

1.4.4 Awnings on commercial building façades facing public rights-of-way shall have a minimum depth of six (6) feet.

1.4.5 Awnings and canopies are allowed to project into the required building setback.

1.4.6 The minimum vertical clearance of awnings and canopies shall be eight (8) feet from the lowest point to the sidewalk.

1.4.7 Awnings shall be made of fabric. High-gloss or fabrics that resemble plastic are not permitted.

1.4.8 The highest point of a first floor awning on a multi-story building shall not be higher than the midpoint between the top of the first story window and the bottom of the second story window sill.

1.5 Roofs

1.5.1 Buildings shall have a roofline distinct from the supporting facade. Treatments may include (but are not limited to): cornice treatments, roof overhangs with brackets, parapets, gables, richly textured materials and/or differently colored materials.

1.5.2 Color bands as a roof treatment or those color bands typically used for marketing, are prohibited.

1.5.3 Flat roofs shall be completely hidden from public view by a parapet of no less than three (3) feet in height. Storm drainage from a flat roof shall not be located on any primary façade.

1.5.5 Roofs shall have no less than two (2) of the following features:

- (a) Parapets concealing flat roofs and rooftop equipment. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall. The highest point of the parapet shall not at any point exceed thirty (30) percent of the height of the supporting wall.
- (b) A three-dimensional cornice treatment, a minimum of twelve (12) inches in height, and having a minimum of three (3) vertical (not diagonal) changes in plane, and a variety of thickness in relief ranging from the greatest at the top to the least at the bottom.
- (c) Overhanging eaves, extending no less than three (3) feet past the supporting walls.
- (d) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run.
- (e) Materials for sloping roofs shall be standing seam, terracotta tiles or architectural asphalt shingles.
- (f) Three (3) or more roof planes per primary façade.

1.6 Building Materials

1.6.1 Materials selected for buildings should have quality and stability in terms of durability, finish and appearance. Exterior building materials shall consist of a combination following, utilizing no less than three (3). Wood siding; cement siding that resembles wood, stucco over masonry, synthetic stucco, common red brick, stone, artificial stone, tile, split face block and concrete masonry units. Concrete masonry unit exteriors shall be textured and tinted.

1.6.2 Multi-colored brick, cedar shakes, metal/steel walls, glass block, textured plywood, and plastic siding, corrugated or reflective metal panels, and smooth or rib faced concrete block are prohibited materials.

1.7 Building Color

1.7.1 Color schemes must be submitted for approval at the time of application for a permit.

1.7.2 Building colors should be selected based on the architecture of the building, achieving harmony with adjacent buildings. Natural earth tones are preferred but limited use of

appropriate brighter colors is permissible. The use of intense colors - such as fluorescents or day glow – that constitute a glaring and invasive contrast to surrounding environment shall be prohibited. Black as the predominant exterior building color and similar monochromatic (all one-paint color) schemes are also prohibited. A solid line band of color or group of strips shall not be used for architectural detail.

1.7.4 Color schemes shall consist of three (3) different colors or color shades, one primary/body color, and 2 accent/trim colors.

1.8 Additional Requirements

1.8.1 No internally lighted signage shall be located on the building façade. Signage attached to the façade shall be illuminated with shaded gooseneck lamps.

1.8.2 The maximum height of signs shall be fifteen feet above the front sidewalk elevation, and shall not extend above the base of the second floor windowsill, parapet, eave or building façade.

1.8.3 Freestanding signs shall only be permissible where the business is not attached to any other buildings. All freestanding signs shall be no higher than four (4) feet and no wider than six (6) feet. Freestanding sign materials shall be compatible with required building materials.

SITE REQUIREMENTS

2.1 Setbacks and Lot Sizes

2.1.1 Each lot shall be a minimum of twenty-thousand (20,000) square feet and shall have at least eighty (80) feet of frontage facing the primary public right-of-way.

2.1.2 Maximum building height is thirty-five (35) feet measured from the floor elevation to the highest point on the building.

2.1.3 Minimum setbacks are as follows:

- (a) Thirty (30) feet from the front of any public street right-of-way.
- (b) Fifty (50) feet from the front of any public highway right-of-way.
- (c) Twenty (20) feet from rear property line. Thirty (30) feet from rear property line adjacent to residentially zoned property.
- (d) Fifteen (15) feet from side property lines adjacent to a public street right-of-way. Thirty (30) feet from side property line adjacent to residentially zoned property.
- (e) On adjacent commercial lots, buildings of less than eight-thousand (8,000) square feet are encouraged to forgo the side setback, allowing for similarly sized buildings to be adjoined. If the adjacent commercial lot already holds a building of this size with a side setback, the minimum setback shall be fifteen (15) feet.

The void between the two buildings shall be improved by the respective owners to

provide for a landscaped, pedestrian friendly space. These areas may include, but are not limited to the following:

- (1) A landscaped pedestrian walkway linking customer entrances between two or more buildings.
- (2) A public seating or outdoor eating area.
- (3) An area landscaped with a variety of living materials emphasizing four-season colors, textures, and varieties.
- (4) Sculptures, fountains or other points of visual interest.

2.2 Access and Circulation

2.2.1 The use of shared entrances and exits for parking is required between adjacent sites. Joint access easements will be required between adjacent property owners.

2.2.2 Pedestrian walkways within the development shall be differentiated from driving surfaces through a change in materials.

2.2.3 Sidewalks shall provide landscaping to buffer pedestrians from parked cars or travel lanes. Sidewalks that are between parking lanes shall be a minimum of fifteen (15) feet in width to accommodate for car overhang.

2.2.4 Sidewalks shall be slightly raised at a different grade than the vehicular parking lot, and shall be landscaped and have pedestrian scale lighting.

2.2.5 Crosswalks shall be a minimum of six (6) feet wide, and are required wherever a pedestrian walkway intersects a vehicular area.

2.2.6 For each individual development of 60,000 square feet or more, at least one pedestrian amenity area adjacent to the building shall be provided. The pedestrian amenity area shall be landscaped and shall provide such services as an outdoor seating/eating area, play area for children or a courtyard. For large-scale, commercial/retail buildings with a total gross building area equal to or in excess of one-hundred thousand (100,000) square feet, a pedestrian amenity area shall be provide for each customer entrance.

2.3 Service Areas

2.3.1 Accessory structures shall have the same architectural detail, design elements and roof design as the primary structure.

2.3.2 Mechanical equipment shall be integrated into the overall mass of a building by screening it behind parapets or by recessing equipment into hips, gables, parapets or similar features. Plain boxes in view from any public right-of-way are prohibited.

2.3.3 Areas for outdoor storage, trash collection, and loading shall be incorporated into the primary building design and construction for these areas shall be of materials of comparable quality and appearance as that of the primary building.

2.3.4 Shopping cart storage shall be located inside the building or shall be screened by a four (4) foot wall consistent with the building architecture and materials or a solid landscaping hedge.